



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 07-56

Date: June 14, 2007

Application No. 2007-00977

Expires: July 14, 2007

Please address all comments to:

Nashville District Corps of Engineers, Regulatory Branch

3701 Bell Road, Nashville, TN 37214, telephone 615/369-7504

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Deposit of Fill Material for Private
Impoundment Structure on Gerry Branch Mile 1.0, Hickman County, TN

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (CWA) and a Tennessee Valley Authority (TVA) permit pursuant to Section 26a of the TVA Act. Before a permit can be issued, certification must be provided by the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA that applicable water quality standards would not be violated.

APPLICANT: Mr. Lee Hunter
1002 Hillcrest Avenue
Columbia, TN 38401

LOCATION: Gerry Branch Mile 1.0, Hickman County, TN. Gerry Branch is a tributary of the Duck River at Mile 81.6, right bank, USGS Quad - Littlelot, TN, lat: 35-49-00; lon 87-20-00.

DESCRIPTION: The proposed work consists of constructing an earthen impoundment structure at the subject location to create a 6 to 8 acre lake on the applicant's 1,350 acre farm. The purpose of the action is private use for fishing, fire protection, wildlife habitat, safer east-west transportation through the farm, and general recreation. Per our jurisdictional determination on May 25, 2007, Gerry Branch is spring fed, mixed intermittent and perennial. Gerry Branch is 3 feet wide with average depth 3-inches and a flow rate of 80 cubic feet/minute.

The proposed structure would be about 30 feet tall and cover approximately 800 linear feet of stream channel or less than 0.06 acres of fill material placed within jurisdictional waters of the US. The lake site would be within a cleared bottom, surrounded by hardwood forest. The scope of work is the impoundment structure and lake; plans are attached.

In addition to the proposed impoundment, the applicant proposes: (1) to create a 305-acre permanent conservation easement to include about 2,000 linear feet (LF) of Panther Cave Branch and its watershed, about 2,000 LF of Mud Branch and its watershed, about 2,000 LF in Stairstep Hollow, its watershed, and roughly 3,000 feet of Duck River frontage; (2) to block all traffic along the approximately 500 LF of Gerry Branch immediately south of the structure, which has long been used as the primary east-west road through the farm; and (3) to protect approximately 300 LF of an unnamed tributary entering Gerry Branch on the right bank, south of the dam site.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties to consider and evaluate the impacts of this activity. Any comments received will be considered by

the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, environmental effects, and other public interest factors. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. An EA will be prepared prior to a final decision concerning issuance or denial of the requested permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required for the proposed work, specifically, a water quality certification showing that applicable water quality standards would not be violated is required. In addition, TVA requires the employment of best management practices during construction to control erosion and sedimentation to prevent adverse aquatic impacts.

Any person may request in writing within the comment period specified in this notice that a hearing be held to consider this application. Requests shall state with particularity the reasons for holding a hearing. Written statements received in this office on or before July 14, 2007, will become a part of the record and considered in the determination. Responses to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the address above.

Dam Features Not To Scale

- 250 ft long (ridge to ridge)
- 40 ft spillways (2)
- siphon system / outflow

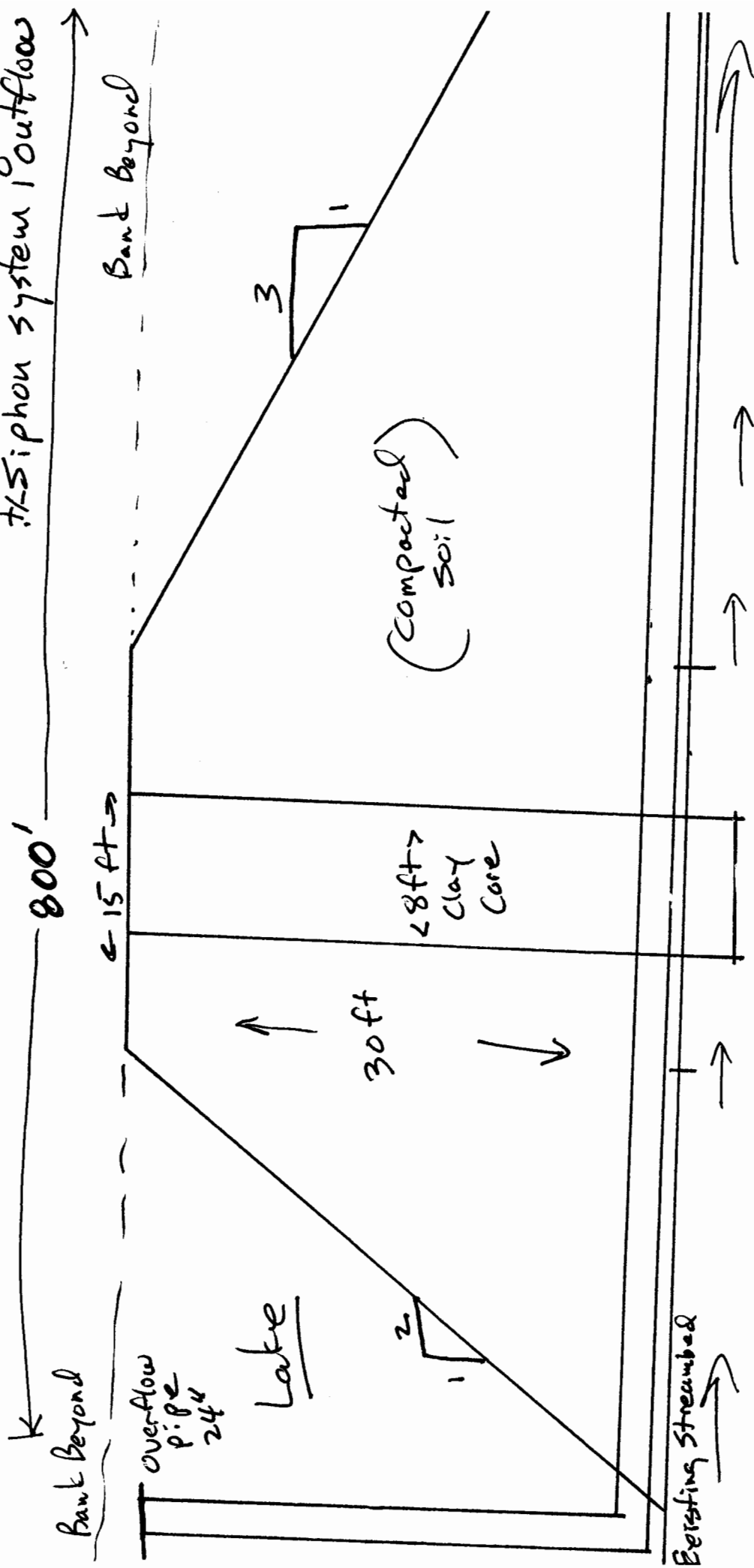


EXHIBIT B
FILE NO. 2007-00977
PN 07-56